

## **REMARKS**

In response to the Office Action dated December 14, 2004, please consider the following amendments and remarks made in a good faith attempt to move prosecution of this application forward to a proper allowance of the claims.

Please note that any and all fees associated with this response, including any applicable extension fees under 37 C.F.R. 1.136, and any fees for newly presented claims, may be charged to the deposit account of the undersigned, Account No. **50-0894**.

Applicant here requests such extensions under 37 C.F.R. 1.136 as may be necessary to render this response timely.

### **Rejections**

Claim 3 currently stands rejected under Claim 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, as "it is unclear as the number of leg members and restrictive support members being claimed." Note that claim 3 has been amended to specifically recite two pairs of legs and a support member for each pair. Claim 3 contains no new matter and is believed to be in condition for allowance. Please see "claim amendments."

Claims 1 and 2 currently stand rejected under Claim 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,404,962 issued to Carter ("Carter"). Examiner states that Carter discloses a collapsible sawhorse comprised of horizontal support beam 12, pivoting legs support means 42, that is pivotally attached to the beam, leg assemblies 22-25,

pivoting spring loaded tab 55, and tab aperture/notch 53. Note that Applicant has amended claims 1 & 2 to recite "both pairs of legs, and that legs of one pair can be pivoted towards one another independent of and in addition to both leg pairs being pivoted to a juxtaposed compact or collapsed position." Claims 1 & 2 do not contain new matter and are believed to be in condition for allowance. Please see "claim amendments."